

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division

DUANE WAYLAND JOHNSON,

Petitioner

v.

Civil No. 3:17CV514

CITY OF CHESAPEAKE, VA,

Respondent.

**MEMORANDUM OPINION**

By Memorandum Order entered on August 8, 2017, the Court directed Petitioner, within eleven (11) days of date of entry thereof, to show cause as to why his § 2254 Petition should not be dismissed for lack of exhaustion. The Court warned Petitioner that a failure to do so would result in the dismissal of the § 2254 Petition without prejudice to re-file after Petitioner has exhausted his state court remedies for all of his claims. On August 23, 2017, the United States Postal Service returned the August 8, 2017 Memorandum Order to the Court marked, “RETURN TO SENDER” and “UNABLE TO FORWARD.” Since that date, Petitioner has not contacted the Court to provide a current address. Petitioner’s failure to contact the Court and provide a current address indicates his lack of interest in prosecuting this action. *See* Fed. R. Civ. P. 41(b). Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall accompany this Memorandum Opinion.

Date: 9/13/17  
Richmond, Virginia

Is/  
John A. Gibney, Jr.  
United States District Judge